

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR 17-124
)	Milwaukee, Wisconsin
vs.)	
)	August 14, 2017
MARCUS HUTCHINS,)	10:00 a.m.
)	
Defendant.)	

TRANSCRIPT OF ARRAIGNMENT & PLEA HEARING
BEFORE THE HONORABLE WILLIAM E. DUFFIN
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff
UNITED STATES OF AMERICA:

Michael J Chmelar

United States Department of
Justice (ED-WI)
Office of the US Attorney
517 E Wisconsin Ave - Rm 530
Milwaukee, WI 53202
414-297-1728
Email: michael.chmelar@usdoj.gov

For the Defendant
MARCUS HUTCHINS:
(Present)

Brian E Klein

Baker Marquart LLP
2029 Century Park E - Ste 1600
Los Angeles, CA 90067
424-652-7800
Fax: 424-652-7878
Email: bklein@bakermarquart.com

U.S. Official Transcriber: JOHN T. SCHINDHELM, RMR, CRR,
Transcript Orders: WWW.JOHNSCHINDHELM.COM

Proceedings recorded by electronic recording,
transcript produced by computer aided transcription.



APPEARANCES CONT'D:

Marcia C Hofmann
Zeitgeist Law PC
25 Taylor St
San Francisco, CA 94102
415-830-6664
Email: marcia@zeitgeist.law

U.S. Probation Office:

REBECCA L. CAPSTICK - 414-297-1918

1 that's determined we'd ask that he continue to be on GPS
2 monitoring. After some period of compliance if Pretrial
3 Services determines that GPS monitoring is no longer necessary
4 then we can come back before the court. And if that is their
5 opinion based on a longer term of compliance, we would likely
6 support that recommendation.

7 We did discuss coming back before the court, which
8 is -- I know you gave us a list of dates from Judge Stadtmueller
9 based on the speedy trial date that this case should be moved
10 forward for trial. His attorneys came into the case I think
11 yesterday, late last night. They haven't received any discovery
12 yesterday. I spoke to them about the materials to be produced
13 and the nature of the case.

14 I did not designate this case complex upon indictment,
15 but I think we would seek that designation. I'm not sure,
16 Your Honor, if we would seek that from you or we would arrange
17 something with Magistrate Judge Joseph to have that designation
18 put in place and to exclude time under that theory.

19 THE COURT: That's an issue you should bring up with
20 Judge Joseph and probably also with Judge Stadtmueller.

21 MR. CHMELAR: Very well. I can arrange with counsel a
22 conference call with Judge Joseph's chambers to work on that.

23 THE COURT: And also, she's who you should request the
24 right to appear by telephone.

25 MR. CHMELAR: Right.

1 THE COURT: That's something you'll have to bring up
2 with her. Anything else, Mr. Chmelar?

3 MR. CHMELAR: No. Just on the comments about his
4 employment, his access to computers. Our case is a historical
5 case. He has been working, based on my knowledge, for a network
6 security company. We don't oppose his ability to work so that
7 requires him to have access to a computer and to the Internet.
8 And I think all the parties are in agreement that he -- that
9 condition be allowed if he does not have access to the Sinkhole
10 or the database that we were discussing earlier, the Wanna --
11 associated with the WannaCry ransomware.

12 THE COURT: Okay. So tell me, where is -- until he's
13 got a place to actually land in LA, where is he going to be?

14 MR. KLEIN: Your Honor, we discussed this this morning
15 also. Right now he's residing at a hotel here in town. His
16 passport is being mailed to pretrial and for him to travel he
17 needs to have a DHS official go with him to the airport with his
18 passport so he can board a flight. So when pretrial gets his
19 passport, we talked to the government and pretrial about this,
20 he will then make arrangements to fly to Los Angeles. In Los
21 Angeles he will secure a residence or a hotel approved by
22 pretrial and look for a more permanent place, again, approved by
23 pretrial.

24 THE COURT: Okay.

25 MR. KLEIN: We talked about this this morning.

1 THE COURT: Anything further from pretrial?

2 PROBATION OFFICER: No, Your Honor.

3 THE COURT: All right. Well, I will go along with the
4 joint recommendation of the parties and impose the same
5 conditions that were previously imposed by the magistrate judge
6 in Nevada, Magistrate Judge Koppe or Koppe with the following
7 modifications:

8 Mr. Hutchins will be allowed to reside in Los Angeles.

9 He'll be allowed to continue his work which will
10 require computer access. And that will be acceptable with the
11 caveat that he'll have no access to this ransomware WannaCry
12 SinkHole.

13 The GPS monitoring. I'm assuming that once he's
14 living in Los Angeles he'll be monitored by the Pretrial
15 Services --

16 PROBATION OFFICER: Yes, Your Honor.

17 THE COURT: -- unit out in LA.

18 PROBATION OFFICER: Yes.

19 THE COURT: And it will be up to them to decide if --
20 the time at which he's been sufficiently compliant that they
21 can -- they feel comfortable lifting the GPS monitoring, but
22 that will be up to them.

23 MR. KLEIN: I think just to be clarified --

24 THE COURT: Okay.

25 MR. KLEIN: -- the computer access would be for his

1 work, but also just in general he would have computer access; he
2 just couldn't access the WannaCry SinkHole.

3 THE COURT: Okay. And that's acceptable to
4 Mr. Chmelar?

5 MR. CHMELAR: It's acceptable to the government.

6 THE COURT: All right. Then that will be -- computer
7 access will not be limited to work as long as we have the same
8 caveat for work and non-work purposes.

9 PROBATION OFFICER: Your Honor --

10 THE COURT: Anything else from the government?

11 MR. CHMELAR: One other thing I did think of. He was
12 limited to traveling to the Eastern District of Wisconsin and
13 whatever district Las Vegas -- District of Nevada, I'm not sure
14 if they have it separated -- but if he's going to be traveling
15 to LA we might want to expand his ability to travel there and
16 then once -- again, once he settles there we'd probably seek a
17 travel restriction through Judge Joseph based on wherever he
18 settles.

19 THE COURT: Let me ask, do you need a travel
20 restriction as long as he stays in the United States?

21 MR. KLEIN: Your Honor, we don't think we do and we'd
22 ask just no travel restriction. It would be easier for
23 everybody, as long as he stays in the U.S.

24 MR. CHMELAR: That's fine. He's not -- we have his
25 passport and his travel document. If that's not surrender -- if

1 it's not coming back to him then we have no objection to that.

2 THE COURT: I'll just say he shall not travel outside
3 the United States.

4 MR. CHMELAR: Fine. Thank you, Judge.

5 PROBATION OFFICER: Your Honor --

6 THE COURT: Yes.

7 PROBATION OFFICER: -- the District of Nevada had
8 ordered the halfway house placement also. Can you --

9 THE COURT: Remove that?

10 PROBATION OFFICER: -- remove that condition?

11 THE COURT: Yes. That condition doesn't make sense
12 anymore at this point.

13 PROBATION OFFICER: Correct.

14 THE COURT: See if there's any other -- well,
15 obviously the report to U.S. Pretrial Services office in Nevada
16 doesn't apply anymore. So he'll report to the Pretrial Service
17 office in Los Angeles?

18 PROBATION OFFICER: Correct, once he's approved.

19 THE COURT: Okay. I guess those are the only other --
20 those are the only conditions that need to be changed.

21 Anything else from the defense?

22 MR. KLEIN: No, Your Honor.

23 THE COURT: And if there are any future bond issues
24 those come to me rather than Judge Joseph.

25 MR. CHMELAR: Okay.